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In re Application of :
ZOU, Yiya :
Application No.: 10/540,412 :
PCT No.: PCT/US03/40893 : DECISION ON PETITION
Int. Filing Date: 22 December 2003 :
Priority Date: 23 December 2002 :
Attorney Docket No.: UTSC:756US :
For: AN EFFICIENT NON-VIRAL :
GENE/DRUG DELIVERY SYSTEM :

This decision is in response to applicant's "Petition to Revive an Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 24 June 2005.

BACKGROUND

On 22 December 2003, applicant filed international application PCT/US03/40893 which claimed a priority date of 23 December 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 23 June 2005.

On 24 June 2005, applicant filed a transmittal letter for entry of the national stage in the United States accompanied by: a copy of the international application; a Petition for Revival for International Application for Unintentionally Abandonment under 37 CFR 1.137(b); and the requisite petition fee of \$750.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1) above, the application file reveals that a proper response should include the proper papers and fees which meet the requirements of 35 U.S.C. 371 for entry into the national stage in the United States. A review of the application reveals that applicant has not filed the basic national fee. Since the petition did not include an authorization to charge any additional fees to counsel's deposit account, the national fee is considered to be unpaid.

As to Item (2), the appropriate petition fee of \$750.00 as required by 37 CFR 1.17 was submitted.

With regard to Item (3), applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

The application remains ABANDONED with regards to national stage processing in the United States.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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